

JFW



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/776,457	02/10/2004	Eitan Konstantino	021770-000600US

CONFIRMATION NO. 3495

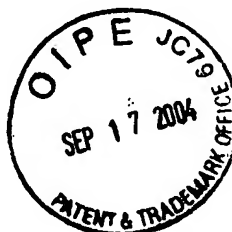
20350

TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC000000013253048\*



Date Mailed: 07/15/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/17/2004 LWONDIH1 00000072 201430 10776457

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 385.00 DA  
 02 FC:2202 585.00 DA  
 03 FC:2201 172.00 DA  
 04 FC:2203 145.00 DA  
 05 FC:2051 65.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The pages of specification including the abstract and claims are not consecutively numbered starting with page "1".

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$902 as a small entity, including any required multiple dependent claim fee, are

required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

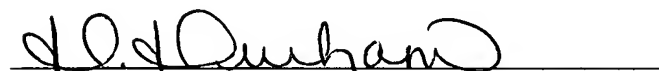
Total additional fee(s) required for this application is **\$1352** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
  
- Total additional claim fee(s) for this application is **\$902**
  - **\$172** for 4 independent claims over 3.
  - **\$585** for 65 total claims over 20.
  - **\$145** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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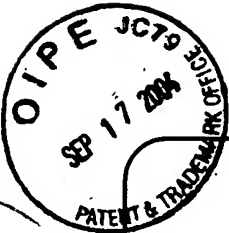
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

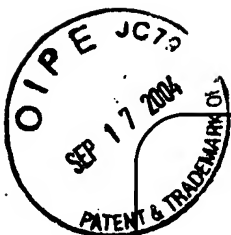


<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/776,457	
	Filing Date	February 10, 2004	
	First Named Inventor	KONSTANTINO, EITAN	
	Art Unit	3763	
	Examiner Name		
Total Number of Pages in This Submission	35	Attorney Docket Number	021770-000600US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Copy of Notice to Filing Missing Parts Response to Notice to File Missing Parts Specification with Claims and Abstract Executed Declaration using an ADS Executed Power of Attorney Executed Statement Under 37 CFR 3.73(b) Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Townsend and Townsend and Crew LLP James M. Heslin Reg. No. 29,541
Signature	
Date	September 14, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	JoAnn Evangelista
Signature	
Date	September 14, 2004

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1352**Complete if Known**

Application Number	10/776,457
Filing Date	February 10, 2004
First Named Inventor	KONSTANTINO, EITAN
Examiner Name	
Art Unit	3763
Attorney Docket No.	021770-000600US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	Utility filing fee	385
		1002	340	Design filing fee	
		1003	530	Plant filing fee	
		1004	770	Reissue filing fee	
		1005	160	Provisional filing fee	

**SUBTOTAL (1)**

(\$385)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid	
85	-20** = 65	X\$9 =	\$585	
Independent Claims	7	-3** = 4	X\$43 =	\$172
Multiple Dependent		X	\$145	

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	Claims in excess of 20
		1201	86	Independent claims in excess of 3
		1203	290	Multiple dependent claim, if not paid
		1204	86	** Reissue independent claims over original patent
		1205	18	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$902)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
				1051	130	Surcharge - late filing fee or oath	65
				1052	50	Surcharge - late provisional filing fee or cover sheet.	
				1053	130	Non-English specification	
				1812	2,520	For filing a request for reexamination	
				1804	920*	Requesting publication of SIR prior to Examiner action	
				1805	1,840*	Requesting publication of SIR after Examiner action	
				1251	110	Extension for reply within first month	
				1252	420	Extension for reply within second month	
				1253	950	Extension for reply within third month	
				1254	1,480	Extension for reply within fourth month	
				1255	2,010	Extension for reply within fifth month	
				1401	330	Notice of Appeal	
				1402	330	Filing a brief in support of an appeal	
				1403	290	Request for oral hearing	
				1451	1,510	Petition to institute a public use proceeding	
				1452	110	Petition to revive - unavoidable	
				1453	1,330	Petition to revive - unintentional	
				1501	1,330	Utility issue fee (or reissue)	
				1502	480	Design issue fee	
				1503	640	Plant issue fee	
				1460	130	Petitions to the Commissioner	
				1807	50	Petitions related to provisional applications	
				1806	180	Submission of Information Disclosure Stmt	
				8021	40	Recording each patent assignment per property (times number of properties)	
				1809	770	Filing a submission after final rejection (37 CFR § 1.129(a))	
				1810	770	For each additional invention to be examined (37 CFR § 1.129(b))	
				1801	770	Request for Continued Examination (RCE)	
				1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)**

(\$65)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	James M. Heslin	Registration No. (Attorney/Agent)	29,541	Telephone	650-326-2400
Signature		Date	September 14, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 on September 14, 2004

PATENT  
Attorney Docket No.: 021770-000600US

TOWNSEND and TOWNSEND and CREW LLP

By:

*JoAnn Evangelista*  
JoAnn Evangelista



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

EITAN KONSTANTINO et al.

Application No.: 10/776,457

Filed: February 10, 2004

For: BALLOON CATHETER WITH  
SPIRAL FOLDS

Customer No.: 20350

Confirmation No. 3495

Examiner:

Technology Center/Art Unit: 3763

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated July 15, 2004, enclosed is a substitute specification including the abstract and claims consecutively numbered starting with page "1" and each paragraph of the specification consecutively numbered in compliance with 37 CFR 1.52, 1.21(b)(3), and 1.125, as required.

Respectfully submitted,

*James M. Heslin*  
James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400 / Fax: 415-576-0300

Attachments

JMH:jke  
60308399 v1